Mr. C. V. Iyyu *(Kunnamkulam):* I demand a poll.

Ayes.	*Noes.*
1. Mr. K. Kochukunhan Kaimal	1. Mr. A. B. Salem
2. ,, P. Govinda Menon	2. ,, C. R. Iyyunni
3. ,, A. Eachara Menon	3. ,, A. V. Moothedan
4. ,, C. V. Iyyu	4. ,, V. J. Mathai
5. ,, K. R. Viswambharan	5. ,, E. Ikkanda Warrier
6. ,, K. S. Panicker	6. ,, B. M. Peter
7. ,, K. R. Achyutan	7. ,, C. J. Mathew
	8. ,, V. K. Aravindaksha Menon
	9. ,, M. Raman Menon
	10. ,, N. S. Radhakrishna Sarma
	11. ,, T. Narayana Menon
	12. Dr. T. Verghese
	13. Mr. P. V. Raphael
	14. Rama Varmha Tampuran
	15. Mr. B. V. K. Menon
	16. ,, V. K. Kutty
	17. ,, K. Karunakaran Nayar

7 for, and 17 against.

RESOLUTION No. 51

Amending the Election Offences and Enquiries Act so as to penalise the wilful refraining of a voter from exercising the right of franchise

Mr. C. V. Iyyu *(Kunnamkulam):* Sir, my resolution runs thus.—"*This council recommends to the Government to amend the Election Offences and Inquiries Act (IX of 1098) so as to penalise the wilful refraining in future of a voter from the exercising of his or her right of franchise for the election of members of the Legislative Council, Municipal Councils and Town Councils (if any) in the State, provided that the voter shall be given sufficient time to request the revising authority or the registration officer within a prescribed period to get his name deleted from the final electoral roll of the constituency he has been originally enrolled in the preliminary electoral roll.*"

ഈ പ്രമേയത്തെക്കുറിച്ച് എനിക്ക പറയുവാനുള്ളതൊക്കെ ഡാക്ടർ എ. ആർ. മേനോൻ പറഞ്ഞിട്ടുള്ളതുകൊണ്ട് കൂടുതൽ വാദിക്കണമെന്നു ഞാൻ വിചാരിക്കുന്നില്ല. ഞാൻ ഇതു ഈ സഭയുടെ സമ്മതത്തിനു അവതരിപ്പിച്ചുകൊള്ളുന്നു.

Mr. A. Eachara Menon *(Chittur-Rural):* I second it.

Mr. A. L. Antony *(Irinjalakkuda):* This is an amendment of the Act itself—Election Offences and Inquiries Act, IX of 1098; Is the resolution in order?

Deputy President: It is in order according to the convention we have in this House.

Mr. A. L. Antony *(Irinjalakkuda):* May I know whether we will be fools by passing this resolution?

Deputy President: We have discussed resolutions about the revision of franchise. The President has interpreted the rules very liberally.

Mr. A. B. Salem *(Mattancheri):* Under section 24 of the Government of Cochin Act "there shall not be introduced or moved in the Legislative Council any bill or amendment, motion or resolution relating to the following matters." In the last sub-division the prohibition is "affecting the provisions of this Act".

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli):* This does not affect the provisions of that Act.

Rama Varmha Tampuran *(Secretary to Government):* Sir, I believe that the intention of the Hon'ble member is that first a voter should be given the option to have his or her name deleted from the electoral roll and if the option is not exercised, then he or she should be compelled to vote. I suppose I have understood it correctly.

Mr. C. V. Iyyu *(Kunnamkulam):* Yes.

Rama Varmha Tampuran *(Secretary to Government):* I do not understand why the first clause should be introduced at all there. If a person can be given an option to delete his or her name from the voters' list why not that person also be given that option to refrain or not to refrain from voting?

Dr. A. R. Menon *(Trichur-North):* Because in the first place that person does not believe in the usefulness of this Legislative Council or the election and does not want to worry himself

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or herself. If he gets money he will go and vote. But the moment I get the power and if I do not exercise the power, we want to penalise him.

Rama Varmha Tampuran *(Secretary to Government)*: Anyhow, this is a free country where everyone has got the right to exercise or not to exercise the vote. Government do not wish to stand in the way of a voter exercising or not exercising his right to vote. Every person has got several rights and it is not up to the Government to insist that such a person should exercise his right or not exercise his right. Each may act within certain limits as he likes best. There is no intention on the part of the Government to interfere with the individual action on that account. Why should Government insist if a person is not willing to vote? Why should he be compelled to vote? I don't understand the logic of it.

Dr. A. R. Menon *(Trichur-North)*: Why should he possess the vote? Don't give him the vote.

Rama Varmha Tampuran *(Secretary to Government)*: That is not tantamount to saying that he must come and vote.

Dr. A. R. Menon *(Trichur-North)*: Either you take away the vote or compel him to vote. You must anyway discharge your duty.

Rama Varmha Tampuran *(Secretary to Government)*: There are duties of several kinds. There are duties of a civic character which it is not proper to penalise for not exercising. There are certain duties the violation of which entails penalty. There are distinctions between the various kinds of duties. It is not anywhere known that if a person did not exercise his duty the civic right of exercising and recording a vote, that person should be penalised.

Dr. A. R. Menon *(Trichur-North)*: You have not heard anywhere?

Rama Varmha Tampuran *(Secretary to Government)*: I have not heard anywhere.

Dr. A. R. Menon *(Trichur-North)*: It is in Australia. When you are cornered, this simple smiling won't do.

Rama Varmha Tampuran *(Secretary to Government)*: It may be so in a large and inaccessible country like Australia or in the states of South America. But so far as I know there is no such thing in the older democracy.

Dr. A. R. Menon *(Trichur-North)*: Cochin State is an old democracy! Just write this down in history.

Rama Varmha Tampuran *(Secretary to Government)*: In England, in France and in none of these countries, is the penalty attached for not exercising a vote. Of course it will be convenient if the number of voters can be limited so that it could be pinned down to a minimum. It will be easier to work the election. To that extent, I think there is logic.

Mr. K. R. Viswambharan *(Ezhuvas-Talappalli)*: That principle is not involved in this.

Rama Varmha Tampuran *(Secretary to Government)*: To say that a person should be penalised for not exercising the vote, will not be sufficient reason for the Government to interfere. If a person did not come and vote that person should be sent to jail and penalised! It will not be proper for the Government to take such a dictatorial attitude.

Mr. V. J. Mathai *(Planters)*: I will give one instance. 1942 years back, it was compulsory in the land of Judai for all people in the land to go and register their names for the census. Christ happened to be born in Bethlehem in a cow's barn, simply because the lady who was far advanced in pregnancy had compulsorily to go and register her name. That was 1942 years back when the land was governed by a person far advanced in civilisation. Is that an instance in point. A lady far advanced in pregnancy had to go all her way and give her name personally! I am only citing an instance. This is not new. It is not unknown. The Hon'ble member for Trichur was citing an instance—Australia. Some of us have also heard of that.

Mr. T. S. Ramachandra Ayyar *(Chittur-Tattamangalam)*: The resolution is worded: "wilful refraining".

Mr. V. J. Mathai *(Planters)*: I will come to that. I have cited one instance just to catch the attention of the House. We have been discusssing the *pros* and *cons* previously. When the candidates go for vote, they say, give us Rs. 10. Otherwise, I am not coming to vote. Would you give that option to the voter—give us Rs. 10?

Mr. A. B. Salem *(Mattancheri)*: The voter will be disqualified.

Mr. V. J. Mathai *(Planters)*: A very pushing and clever gentleman like Mr. Salem will be able to establish his case, but not everybody. Where is the evidence? So the whole thing is, are you giving a premium to these voters to tax the candidate, simply because he takes the option himself, saying, I will represent this constituency? Should it be that? There are four thousand or five thousand voters, and no candidate can possibly satisfy all the voters. You must give them cars, you must give them money, you must give them drink; you must go to

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their houses three or four times. If the opposite candidate has gone four times they will think that the other candidate should come to them five times. Instances are many, but I shall put all those in a nut-shell. It is only this. Is he not bound to record his vote ? Or as the Hon'ble mover said, let him say "I do not want"; let him sit on the fence like a cat on the wall and see if there is an inducement on any side. Otherwise, I will not go. Look at the picture. If you make it obligatory, surely they will come to the polling booth. Let them vote as they like. What is there strange in that ? Simply because you want a change from the established rule, why shou ld you get frightened ? We have been progressing as mankind has been progressing. Is it right ? If it is right, accept it fearlessly. Set a model. Let Cochin be a model for other States. Probably we might be the first to lead the whole world. It must be subject to one exception. Leave has to be given in particular instances. For example, a person may be ill. Wilful refraining won't do. That is a very wide term. Unless he or she is incapacitated, he or she must vote. Suppose you appoint a particular person as A. R. P. warden. What difference is there between a voter and an A. R. P. warden ? The voter is there to create members of the Legislative Council. Is there not a vast responsibility vested in him? Suppose one is an A. R. P. officer. He has accepted responsibility. Responsibility has been given to him. Suppose he absents from duty and says he is not willing to take up his work. Why don't you give him money or car ? Actually it comes to that. Every voter in the State has as much responsibility as any A. R. P. warden or vigilance committee member or a Panchayat member. He is bound to attend to his duty. Otherwise, certain consequences must attach to it. Exception must be made in the case of persons who are ill. He or she must not be driven to the necessity of saying, my name may be deleted. Leave should be given in such cases I am in full agreement with the motion.

Mr. K. M. Ibrahim *(Cranganur)* : Without subscribing myself either for a support or an opposition of this proposition, I would just like to get one piece of information from the sponser of this resolution, so that I may decide how to vote on this proposition. It is like this. It may just happen that a voter may consider all the candidates to be dangerous elements. There is a possibility of his considering that all the persons who stand are deleterious elements.

Mr. V. J. Mathai *(Planters)* : He must go and stand as a candidate.

Mr. K. M. Ibrahim *(Cranganur)* : When a voter has to exercise his vote between three candidates and he considers all of them as undesirable, he himself should stand, does not arise. I have heard of this glorious proposition, but I think it is workable in completely full-fledged socialistic stage. In the order in which we are familiar, I request the sponsor of this resolution to say how one can get over this difficulty.

Mr. C. V. Iyyu *(Kunnamkulam)* : I shall quote my own experience. In one ballot paper, it was clearly written that both are fools. This was found in my case at Kunnamkulam. *(Laughter)*.

Mr. K. M. Ibrahim *(Cranganur)* : Without interruption, what is the earthly point in compelling such a voter to vote ? You are putting a penalty on the man to say that both of them are fools. Where is the justice in compelling him. It is compelling a person when he does not want to vote, to go and write that both of them are fools.

Dr. A. R. Menon *(Trichur-North)* : Why do you penalise a member of the Council if he is absent? It is left to his option to attend or not. You penalise him for not attending to his duties properly. Why do you do it.

Mr. T. P. Poulose *(Kanayannur)* : What you want here is not to remove him from the electoral rolls. You want to impose a penal clause making him liable for criminal conviction. You want that he should be punished by a court of law.

Dr. A. R. Menon *(Trichur-North)* : We never said that. Remove his name; that is sufficient. The option of getting his name removed is left to the party himself. You may say, 'I don't want my name to be included in the voter's list.' The member of the Legislative Council is supposed to come here. If he is absent, action is taken.

Mr. K. M. Ibrahim *(Cranganur)* : There is no analogy.

Dr. A. R. Menon *(Trichur-North)* : If he absents himself three times from the Legislative Council, he is liable to be removed.

Mr. K. M. Ibrahim *(Cranganur)* : Quite so. Why did the member allow himself to be returned ?

Dr. A. R. Menon *(Trichur-North)* : I think he has not discharged his duties properly and some kind of punishment should be awarded to him. The vote is given to the voter to exercise certain function and if he refuses to do it, certain penalties will follow. Also you are given the option to get your name removed, if you want to have nothing to do with the Council business.

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*മിസ്റ്റർ കെ. എസ്സ്. പണിക്കർ: മിസ്റ്റർ പ്രസിഡണ്ട്, സർ, ഞാൻ ഈ പ്രമേയത്തെ എതിർക്കുന്നു. ഒരാൾക്കു് വോട്ടുചെയ്യുവാനുള്ള അവകാശമുള്ളതുകൊണ്ടു്, അയാൾ വോട്ടുചെയ്തില്ലെങ്കിൽ ശിക്ഷിക്കണമെന്നു വ്യവസ്ഥചെയ്യണമെന്നുള്ള ഒരു റസലൂഷൻ ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പർ ഇവിടെ കൊണ്ടുവന്നതിൽ ഞാൻ വളരെ വ്യസനിക്കുന്നു. ബഹുമാനപ്പെട്ട ക്രാങ്ങ്ഗന്നൂർ മെമ്പർ പറഞ്ഞതുപോലെ രണ്ടു ദ്രോഹികളാണു്; അല്ലെങ്കിൽ രണ്ടു fools ആണു് മത്സരിക്കുന്നിൽ സ്ഥാനാർത്ഥികളായി നില്ക്കുന്നതെങ്കിൽ ഈ നിബ്ബന്ധപ്രകാരം അവർക്കു വോട്ടുചെയ്യേണ്ടിവരും. നിയമസഭാ സാമാജികന്മാരുടെ തിരഞ്ഞെടുപ്പുകാലത്തു് അവരുടെ സൌകര്യങ്ങളെ മാത്രം ഉദ്ദേശിച്ചുകൊണ്ടു്, അവർക്കുള്ള ബുദ്ധിമുട്ടുകളെ മാത്രം ദൂരീകരിക്കണമെന്നു് വെച്ചുകൊണ്ടു്, പൊതുജനങ്ങളായ വോട്ടർമാരുടെ വോട്ടവകാശത്തെ തീരെ ഹനിക്കണമെന്നു പറയുന്നതു് അബദ്ധവും അതിരുകടന്ന ഒരു പ്രവൃത്തിയുമാണു്. (ഹിയർ, ഹിയർ) ഓരോരുത്തർക്കും അവരവരുടെ അഭിപ്രായം രേഖപ്പെടുത്തുവാനുള്ള ഒരു അധികാരമുണ്ടായിരിക്കണം. വോട്ടർമാരുടെ ലിസ്റ്റിൽനിന്നു അവരുടെ പേരിലുള്ള വോട്ടു കൊടുക്കുവാൻ സമ്മതമില്ലാത്തവരെ നീക്കംചെയ്യണമെന്നാണു് പറയുന്നതു്. പൊതുജനസേവകന്മാരായ സ്ഥാനാർത്ഥികളുള്ളതുപോലെതന്നെ ദ്രോഹികളും സ്വാർത്ഥികളുമായ സ്ഥാനാർത്ഥികളുമുണ്ടു്. അങ്ങിനെയുള്ള സന്ദർഭങ്ങളിൽ പൊതുജനസേവനം ചെയ്യുവാൻ സന്നദ്ധതയുള്ള സ്ഥാനാർത്ഥികളുണ്ടെങ്കിൽ അവരുടെ അഭിപ്രായം രേഖപ്പെടുത്തുന്നതിനു് അവരുടെ വോട്ടു നിലനിറുത്തേണ്ടതു് ആവശ്യമാണു്. അങ്ങിനെയുള്ളവരുടെ അഭിപ്രായം നിശ്ശേഷം എടുത്തുകളഞ്ഞു് നിയമസഭാ സാമാജികന്മാരായി തീരുവാൻ ആഗ്രഹിക്കുന്നവരുടെ സ്വാർത്ഥത്തെ പുലർത്തുവാൻവേണ്ടി ഇങ്ങിനെയൊന്നു കൊണ്ടുവരണമെന്നു പറയുന്നതു വലിയൊരു സാഹസംതന്നെയാണു്.

ബഹുമാനപ്പെട്ട കുന്നംകുളം മെമ്പർ പറഞ്ഞു, കഴിഞ്ഞപ്രാവശ്യം നടന്ന ഇലക്ഷനു വോട്ടുചെയ്യുവാൻ സൌകര്യമില്ലാത്തതുകൊണ്ടു് എതിർസ്ഥാനാർത്ഥികൾ അദ്ദേഹത്തെ ഫൂൾ എന്നു വിളിച്ചുവെന്നു്. ഇങ്ങിനെ ഫൂൾ എന്നു പരസ്യമായി കേൾക്കുവാൻവേണ്ടി, നിർബ്ബന്ധിച്ചു് ഓഫീസറുടെ മുമ്പിൽ എഴുതി വെക്കുന്നതു് പരസ്യമായി കേൾക്കുവാൻ വേണ്ടിയുള്ള ആഗ്രഹത്തോടുകൂടിയാണു് ഇതു കൊണ്ടുവന്നിട്ടുള്ളതെങ്കിൽ അതിനു് ഇങ്ങിനെയൊന്നു വേണ്ടിയിരുന്നില്ല. ഇതുകൂടാതെതന്നെ ഫൂൾ എന്നു വിളിക്കുവാൻ ആളുണ്ടാകും. അതുകൊണ്ടു് എന്റെ ബഹുമാനപ്പെട്ട സ്നേഹിതൻ ഈ പ്രമേയം പിൻവലിക്കണമെന്നു ഞാൻ അപേക്ഷിക്കുന്നു.

Mr. M. K. Devassy *(Adur)*: I support the motion. I think some of the Hon'ble members who opposed the motion have really missed the fundamental principle underlying the resolution. They have also missed some of the actualities in facing an election. The real reason underlying such a resolution is that the voters of a country do not realise that it is their duty to exercise their civic rights. Most of them wait to see whether candidates will come and offer bribes, give them convenience and take them to the polling station; and if no candidate comes, they refuse to go there and refrain from exercising their legitimate rights. In other words, it is not the disapproval of a particular candidate or all the candidates; it is a waiting for proper chance and proper remuneration from each candidate, so that they may wager upon it, take the best and give them their votes. If among the candidates standing, however deserving any of them may be, if one is not prepared to bribe them or to take them, the voters are not prepared to go and tender votes. Such a state of affairs should cease to exist. Those who are given the right of voting should exercise that right. It is their duty to exercise that right and if they do not exercise their right, they should not be given that right. It is on that fundamental principle that this resolution is tabled.

My Hon'ble friend Mr. Ibrahim was trying to torpedo this resolution by a very curious and intellectual jugglery. That jugglery is that if both the candidates in the opinion of the voter are fools why should they go and vote at all. You are imagining certain things. It is the duty of that voter to prefer one. If there are two fools, the better may be preferred. How can you say that people who stand for election are the best in the country. Assume that all the candidates are fools. But there is a duty on the part of the voter to choose between the two fools because unless the choice is made, the worse of the fools may come and enter the Legislative Council. There cannot be a case of equality of foolishness. So that, my friend has really missed the point by attaching too much importance to such an imaginary case.

*Speech not corrected by the Hon'ble member.

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As a matter of fact, this is a resolution the principle of which has been advocated by several leaders in India. I had occasion to read several times the speeches of some eminent national leaders in the country advocating this principle. Sometimes they were obsessed with the practical difficulty of the working of the scheme. If it is impossible for the voter to come on account of old age or incapacity, it may be necessary to take the polling box to him. That was the suggestion which I remember to have read from Mr. Satyamoorthi. That is a matter of detail which has to be settled; but I think it is a very important and salutary principle which the Government will do well to accept.

***Mr. P. Govinda Menon** *(Mulakunnathukavu)*: Sir, I consider this to be an important resolution, and I wholeheartedly support it. I was really surprised that the Hon'ble the Secretary to the Government in a rather derisive attitude to which he is not generally accustomed, made fun of the principle of this resolution. I usually credit that gentleman with great knowledge in constitutional and political matters, and it was therefore a surprise to me when such a statement came from him. He was saying, Sir, that in almost all the older democracies, freedom of this sort which he was advocating, was being given to the citizen. Now, probably in his enthusiasm to oppose the motion, he forgot the age-old rule in England, under which, a person who is called to serve upon the jury is compelled to do so and if he fails to do so, certain penal consequences will follow. That rule which grew from generation to generation in England has been copied in India also. One may well put the question, why should a citizen be compelled to serve on the jury? Why not liberty be given to him not to go to court or to go to court as he likes? In the same way, if a person is called to give evidence in a court of law, why should law compel him to go and give the evidence?

Rama Varmha Tampuran *(Secretary to Government)*: Why is it that this particular offence is not made penal in the very same country where absence from the jury is made penal?

Mr. P. Govinda Menon *(Mulakunnathukavu)*: A person who has witnessed a criminal offence has to go to court if the court calls him to give evidence. One may very well say; it is up to me whether to go to court or not to go to court to give evidence in that matter. Again, under the criminal laws of our country, certain duties are enjoined on the citizens. Persons who own property are to report to Government when certain offences occur in that property or near that property. If they do not give the report to the Government, certain penal consequences follow. So that, the duties of citizenship prescribed in all these cases and failure to discharge those duties are followed by penal consequences. It may be that in England, where democracy grew from very early centuries, and has not yet come to perfection, this rule, which is now being advocated in this resolution, is not in existence. That is because, there, representative institutions have taken an organic growth. But in Australia, the Australian constitution contains a rule similar to the one contained in the present resolution. It is not proper to refer to Australia as a bushy or a wild country. The democracy of Australia is considered to be one of the advanced democracies of the world. Referring to the Australian constitution, that great publicist of India, Rt. Hon'ble Mr. V. S. Srinivasa Sastry, in his Kamala Lectures on the Rights and Duties of Citizenship, has pointed out that it would be desirable that that rule which is contained in the Australian constitution is copied in India, so that the feelings of citizenship which are not so strong in India today may grow, it may be, on account of mild pressure, statutory pressure brought to bear upon them. The suggestion thrown out by Mr. Sastry in those lectures have been favourably commented upon by several Indian national publicists. I think therefore, Sir, that it is a very wholesome change to be introduced into our electoral law. The whole question depends upon this. If you attach any importance to the legislative machinery of the State, if you think that the Legislature serves a very important purpose in the State, if you think that the legislature constitutes an indispensable element of the Government of the State, if that notion dawns upon the Hon'ble member, then I am sure that such slighting remarks will not be made against this resolution.

The whole difficulty comes to this. The irresponsible members sitting on the Treasury Benches have a feeling that the legislature is not necessary. They are not attaching as much importance to the legislative machinery as they ought to. Probably they may carry on even without a legislature. But I hope a time will come when the legislative machinery of the State will occupy a very important element in the structure of the Government in our State.

Rama Varmha Tampuran *(Secretary to Government)*: It is on the very same principle of democracy that we opposed this resolution because we want to give individual freedom.

*Speech not corrected by the Hon'ble member.

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He may or he may not vote. We should not compel. It is on the same principle of democracy which the Hon'ble member advocates, that I oppose.

Dr. A. R. Menon *(Trichur-North)*: When did you develop this malady of giving this freedom?

Rama Varmha Tampuran *(Secretary to Government)*: After you had left it. *(Laughter)*.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: If the Hon'ble member, as I was saying, had attached as much importance to the legislature as he ought to have, then certainly he would have had the idea that it is necessary to compel the citizens if necessary to exercise their franchise in order to see that a proper legislature is functioning. That and that alone must be the underlying principle of the Australian constitution. It is first of all postulated that the Legislature or Parliament is an important element in the structure of the Government. Then it follows that it is up to the framers of the constitution that the citizens are called upon to elect a proper legislature. Even here the forms prescribed by the Government are to this effect. It calls upon certain constituency to elect one or two candidates, to the Legislature. Of course in formalities, we are copying those examples. If you call upon a constituency to elect certain persons to the legislature, why do you not compel the voters of that constituency to answer that call, just as when a judge calls a person to go and give evidence and if that witness refuses to go to the judge and give evidence, the judge fines him; just as when a Sessions Judge calls upon a certain person to serve on the jury and when he does not obey that call, he is fined, similarly when the State calls upon the voters of a certain constituency to go and elect a candidate to the Legislature; I submit, Sir, if you attach as much importance to the Legislature as you do to the judicial administration of the State, then, certainly, you will see to it that your order is obeyed. The whole difference comes in here. Judicial administration is indispensable. Judicial administration must go on. And therefore those who do not help you in carrying on the judicial administration are penalised. In the same way if the constitution of the Government is such that without the Legislature meeting and passing money bills, provding for taxation, etc., Government cannot go on, certainly when the State calls upon the electors of a certain constituency to return a certain member to a constituency on such and such a date, you can as well logically say that unless the citizen answers that call and exercises his vote, penal consequences will follow.

Mr. T. P. Poulose *(Kanayannur)*: In that case, you can give him the option to have his name removed.

Mr. V. J. Mathai *(Planters)*: You cannot give him the option to get his name removed.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Personally, I think, that option should not be given. Unless there are unavoidable reasons on account of which he cannot come and exercise his vote, I am only speaking on the principle. I am only referring, only developing the idea that there is nothing absurd, nothing wrong, in the State legislating to this effect, that unless an elector goes and exercises his vote on the day he is called upon to do so, certain penal consequences will follow. If you attach as much importance to the legislature as you ought to, certainly you will concede that this is a very important rule which ought to find a place in the electoral rules of the State. It may be for certain historical reasons that rule is not in existence in England and other countries. The conditions there are such that there exists no necessity for such a rule. But we find another country, a daughter country of England, enacting a rule of the nature proposed today—Australia.

Mr. K. S. Panickar *(Ezhuvas-Mukundapuram)*: Australia—a land of convicts.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: This is a matter on which without being vulgar you can disagree. This is a controversial matter. If a man does not agree, of course in all constitutional matters, one man may hold an opinion different from another. But that can be done without saying that Australia is a barbarous country, Australia is a place where convicts live. These are controversial matters. I am advocating a certain view point and if that view point appeals to the political sense of the Hon'ble members of the House, I will request them to support the measure. With these few words, I heartily support the resolution brought forward by my Hon'ble friend.

Mr. T. P. Poulose *(Kanayannur)*: I oppose this resolution. It is not at the voters instance that his name is entered on the electoral rolls. It is entered by certain officers of the Government according to certain rules. There may be several cases where the votes himself does not know that his name is on the electoral rolls. There are several illiterate voters. I can understand the suggestion that a voter should be punished if he gets his name entered on the electoral rolls at his instance and then refrain from voting. The proposal in this resolution is

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different. When a man is simply sleeping, somebody puts his name in some rolls which he never sees. Nor is any intimation given to him that his name is on the rolls. No summons is issued to him individually calling upon him to vote. He may be absolutely ignorant of the fact that his name is on the rolls. He may not be possessed of the learning and ability to read and understand that his name is on the rolls. He may even be unaware of the fact, that an election is to take place. One fine morning a summons goes to him calling upon him to answer a charge of committing an offence by refraining from voting, and he has to answer that charge.

Deputy President : What sort of penalty have you contemplated.

Dr. A. R. Menon *(Trichur-North) :* A warning first time ; second time, removal of his name from the rolls.

Mr. T. P. Poulose *(Kanayannur) :* If that is the sort of penalty that is contemplated I would certainly support this motion. What I understood was that it should be made an offence punishable by a Court of law.

Mr. V. J. Mathai *(Planters) :* What is there even if it is made an offence? In the case of ignorance of law, there are many clauses in the Penal Code.

May I make a statement. In the case of all nuisance fine is inflicted. A man comes from Kumbalangi and finds no latrine to answer the call of nature. If he passes urine anywhere, he is fined 4 as., 8 as., 1 Re. etc.

Mr. T. P. Poulose *(Kanayannur) :* I would make my position clear. If the only penalty contemplated by this resolution is what is suggested by Dr. A. R. Menon I wholeheartedly support this.

On reading the resolution I have understood that refraining from voting should be made an offence punishable by a Court. My Hon'ble freind the Member for Planters said that ignorance of law is no plea. I shall never advocate that ignorance of law is a good plea. The question before us is different. We are entering on the electoral rolls the names of both literate and illiterate people. There are several voters who do not understand that an election is going to take place unless somebody goes and tells them. A man may sometimes be punished for refraining from voting at an election of which he was never aware. The question is whether we would be justified in making such a law.

Mr. P. Govinda Menon *(Mulakunnathukavu) :* May I ask the Hon'ble member, if the difficulty contemplated will be overcome, if sufficient publicity is given about the election ?

Mr. T. P. Poulose *(Kanayannur) :* Accepting the principle underlying some of the arguments, I was saying that if a man, on his own initiative, gets his name entered on the rolls and subsequently refrains from voting, there may be some justice in punishing him. Unless he wants to exercise his vote, there was no purpose in getting his name entered on the rolls.

Deputy President: There is adult franchise in Australia. Do the voters go and register their names as in Ceylon?

Mr. P. Govinda Menon *(Mulakunnathukavu) :* I am not sure.

Mr. T. P. Poulose *(Kanayannur) :* The Hon'ble Dr. A. R. Menon was, by an interruption, drawing the analogy of a penalty being imposed upon members of the legislative Council if they refrain from attending the Council for a prescribed period. That analogy is inapplicable. In the first place, a member of the Legislative Council comes here of his own seeking, unlike a voter whose name is entered on the rolls by somebody else. Here a person goes to the voters and undertakes that he will discharge certain public duties and represent their interests in the Council. Such a man subsequently abstains from discharging such duties. In that case, for imposing a penalty on that man, there may be some justification. But even here his conduct is not made an offence.

Mr. M. Raman Menon *(Offg. Diwan Peishkar) :* Is the member penalised for that. His constituency is penalised to get another man.

Mr. T. P. Poulose *(Kanayannur) :* The penalty is only that he forfeits his seat. As I stated, there may be some justification in removing from the rolls the name of a voter who has refrained from voting.

Mr. M. K. Devassy *(Adur) :* Without interruption, a man does not see the electoral roll, why should you tolerate the removal of his name. He does not see the removal. Why then penalise him ?

Mr. M. L. Joseph *(Latin-Christians-Cranganur):* That is on the principle that people who put his name on the electoral roll have a right to take away his name. It is there without his knowing. It is taken away without his knowing.

Mr. T. P. Poulose *(Kanayannur) :* Apart from that argument, there is the fact that a man who declined to vote is not possessed of sufficient political consciousness. That may be a justification for removing his name. If he was possessed of sufficient political consciousness

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and if he was conversant with what was going on in public affairs, then he would not have been unaware of the election and of the fact that he was a voter. The man who does not know that his name is on the electoral rolls is totally destitute of political consciousness and there is not much harm in removing his name.

Mr. P. Govinda Menon *(Mulakunnathukavu)* : The attempt was to make him politically conscious.

Mr. T. P. Poulose *(Kanayannur)* : I would certainly disagree with the method.

Mr. P. Govinda Menon *(Mulakunnathukavu)* : If you want to govern the country through representative institutions, if you attach importance to this legislature, you must do so.

Mr. T. P. Poulose *(Kanayannur)* : If you want to govern through representative institutions, get only the votes of people who have got political consciousness. Don't get, at the point of the bayonet, votes and don't compel ignorant people to draw a line somewhere or other on the ballot paper for fear of being punished. Let the people who can choose between candidates make their choice and vote. It would be a blessing to representative institutions if others do not vote at all. At any rate such institutions will not be the worse off on that account.

Mr. P. Govinda Menon *(Mulakunnathukavu)* : No man who is bribed should come and vote.

Mr. T. P. Poulose *(Kanayannur)* : Another argument that was advanced was this will lead to the removal of corruption. I fail to understand the reason in that argument. What is the problem facing the candidate? Is it the problem of merely inducing a voter to vote or inducing him to vote in favour of that particular candidate as against his rival. You compel a man to vote by legislation. He is compelled to vote, but still there is the possibility of voting for you or against you. The scope for corruption is still there. There is scope for bargaining in the race between the candidates to secure for themselves as many votes as they can.

Mr. P. Govinda Menon *(Mulakunnathukavu)*: Those who bargain will bargain wherever they are placed.

*മിസ്റ്റർ കെ. ആർ. വിശ്വംഭരൻ: സർ, ഈ പ്രമേയത്തെ ഞാൻ അനുകൂലിക്കുന്നു. ബഹുമാനപ്പെട്ട കണയന്നൂർ മെമ്പർ കൊച്ചിയിലെ നിയമസഭയിൽതന്നെ ജനാധിപത്യഭരണത്തിന്റെ വിപുലീകരണത്തിന്നായി നമ്മൾ കൊണ്ടുവന്നിരുന്ന വാദമുഖങ്ങൾ എല്ലാം പ്രത്യക്ഷമായി എതിർക്കയാണു് ചെയ്തിട്ടുള്ളതു്. കൊച്ചിരാജ്യത്തു് അദ്ധ്യസ്ഥവിദ്യരാണുള്ളതെന്നും, ഇവിടെ രാഷ്ട്രീയബോധം ജനങ്ങളിൽ വേണ്ടതിലധികമുണ്ടെന്നുംപറഞ്ഞാണു് നാമിവിടെ പരിപൂർണ്ണമായ ഉത്തരവാദിത്വഭരണം സ്ഥാപിക്കണമെന്നു് വാദിച്ചുകൊണ്ടിരിക്കുന്നതു്. ബഹുമാനപ്പെട്ട കണയന്നൂർ മെമ്പർ ഇവിടെയുള്ള വോട്ടർമാരെല്ലാം നിരക്ഷരകുക്ഷികളാണെന്നും, രാഷ്ട്രീയബോധമില്ലാത്തവരാണെന്നും പ്രദ്യോതിപ്പിക്കുന്ന വിധത്തിൽ അവരെ അപമാനിക്കുകയും, അവരുടെ യഥാർത്ഥമായ.....

[4-15 p.m.]

At this stage the House adjourned on the sounding of the siren indicating an A. R. P. trial.

K. S. RAGHAVAN
Secretary to the Council

*Speech not corrected by the Hon'ble member.

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